

TO: The Honorable Judge J. Frederick Motz
H.S. District Court for the District of Maryland
Fax #: (410) 962-7574

FROM: Michael F. Gende
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Dear Sir,

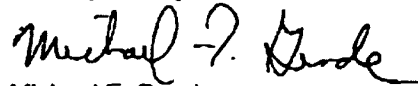
I have followed, with interest, the case against Microsoft as it has proceeded from stage to stage. It has been brought to my attention that you were interested in opinions from 3rd parties considering the outcome of the case in your court. Thank you for that consideration.

Please consider that one settlement proposal before you would, in my opinion, have the unintended consequence of allowing Microsoft to do exactly what they were brought to court for doing. I.e., expanding their markets such that others are unfairly excluded. If only Microsoft products are available to especially poorer schools, upgrade fees will one day be required to remain current. Software quickly falls behind the development curve if not upgraded. The short term gains would be outweighed by the long term monetary costs. That is especially true in districts where funds for schools are already in short supply.

Please seriously consider the offer made by Red Hat to put operating systems and software on these computers for no license fees, for ever. This is the Open Source model and has greatly benefitted public and private sectors, government, and institutions of higher learning the world over. This way the software, the thing that gives a computer functionality, never becomes outdated. Upgrades happen as they are needed. New software is added as available. All with no licensing fees to anyone. It may sound too good to be true, but my company and our customers have been doing this very thing since 1996. This powerful option should, in my view, be available as a windfall for our school districts as a result of this case.

The case against Microsoft seemed to be based upon the idea that there was monopolistic behavior on their part. In the end, the consumer lost as other technologies were excluded from the market place. Please do not allow Microsoft to make an "investment" in poor schools on which they can hope to see a "return" of upgrade fees. Consider offering a choice where real benefit for the long term goes to those who need it.

Thank you for your interest,



Michael F. Gende